

# EXHIBIT E

FOGARTY & HARA  
COUNSELLORS AT LAW

RODNEY T. HARA  
STEPHEN R. FOGARTY  
VITTORIO S. LAPIRA  
STACEY THERESE CHERRY  
ROBERT D. LORFINK

21-00 ROUTE 208 SOUTH  
FAIR LAWN, NEW JERSEY 07410

(201) 791-3340  
TELECOPIER (201) 791-3432

JANET L. FIKE  
DAVID J. ULRIC  
SEAN W. FOGARTY  
VERONICA A. ACEVEDO

December 14, 2023

**VIA EMAIL**

Rebecca Petersen, Esq.  
Murray-Nolan Berutti LLC  
136 Central Avenue  
2<sup>nd</sup> Floor  
Clark, New Jersey 07066

**Re: In the Matter of the Delaware Valley Regional High School Board of  
Education and [REDACTED]  
Our File No.: 18/334**

Dear Ms. Petersen:

This office represents the Delaware Valley Regional High School Board of Education, which operates the Delaware Valley Regional High School District. Mr. Berutti's letter of December 8, 2023, to Superintendent Scott McKinney was forwarded to our attention for a response. Please be advised that the District has and will continue to act in accordance with applicable federal and state laws, and the New Jersey Department of Education's guidance on transgender students.

Please also accept this correspondence in response to your letter of December 8, 2023, which purports to summarize our December 8, 2023 meeting. Your letter does not accurately reflect the discussion and makes inferences that are not based on the information shared. First, the District is not facilitating a name or pronoun change. Rather, the District is following federal and state anti-discrimination law, as well as the Department of Education's guidance regarding accepting a student's asserted gender identity.

Second, the counselor was not aware of [REDACTED] diagnoses of Autism Spectrum Disorder or Attention Deficit Hyperactivity Disorder, or that she is seeing a therapist. [REDACTED], [REDACTED], who also attended the meeting, confirmed at the meeting that this information was not previously shared with the District. The counselor was aware of the passing of [REDACTED] mother.

Third, the District did not state that they will not refer to [REDACTED] by her given name and pronouns. Rather, I clarified that the District will follow applicable federal and state laws and the Department of Education guidance. Should [REDACTED] request to be called by

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a name or pronoun other than that which she was assigned at birth, the District will honor that request.

Finally, [REDACTED] was not threatened. [REDACTED] has not attended school for more than 10 days. We advised that she will be considered truant and the District may have to take further action, as it is required by law to do, N.J.A.C. 6A:16-7.6, if she continues to be absent. We also advised that, if a letter requesting medical home instruction was submitted, it would be reviewed by the school. No such request has been submitted; however, you indicated in a phone message today that you will be providing medical documentation regarding [REDACTED] absences. The District will review that information once it is received.

The District also notes that [REDACTED]'s conduct at the meeting was threatening. Moreover, when I cautioned her that her language appeared threatening, she made a point of specifically stating that she was making a threat. You attempted to clarify that it was a threat of legal action; however, her intention was clear from her unequivocal language. Please advise your client that threats and intimidation of any kind against the school and its staff will not be tolerated.

In closing, the District again wants to reiterate that its staff remains ready for [REDACTED] to return to school and it hopes that no further action is necessary to ensure that she receives an education in compliance with the compulsory education laws. Therefore, please confirm when [REDACTED] will be returning to school, if the parents will be submitting a request for home instruction, or if they will be withdrawing her from the District and providing for her education in compliance with the compulsory education laws. If she continues to be absent without medical documentation, the District will have no choice but to take further action to address her lack of attendance.

If you have any questions, of course, do not hesitate to contact me.

With kind regards, I am

Very truly yours,

FOGARTY & HARA

BY: /s/ Stacey Therese Cherry  
Stacey Therese Cherry

STC:aec

cc: Scott McKinney – via email only  
Superintendent of Schools